



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,421	09/17/2004	Koji HIROSE	040448	5420
<div>23850 7590 06/21/2007 ARMSTRONG, KRATZ, QUINTOS, HANSON &amp; BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006</div>			<div>EXAMINER NGUYEN, TAN QUANG</div>	
			<div>ART UNIT 3661</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 06/21/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/711,421

Applicant(s)

HIROSE ET AL.

Examiner

TAN Q. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAIL ACTION

### *Notice to Applicant(s)*

1. This application has been examined. Claims 1-39 are pending.
2. The prior arts submitted on September 17, 2004 and February 16, 2005 have been considered.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15, 18, 19, 24, 25, 30, 31 and 34-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Petzold et al. (2002/0128766).
6. As per claims 1 and 2, 12 and 14, Petzold et al. disclose the invention as claimed which includes map information device 100 (see figure 1), a current position information acquirer 300 (see figure 1), a destination information acquirer (see at least figure 1, items 600 and 605 and the related text), a traffic information acquirer (see at least figure 1, item 1000 and page 2, paragraph 0023), a travel smooth recognizer (see at least figures, 3, 4, 7, 8 and the related text), a travel route search section (see at least figure

1, item 400), and a notification section for notifying the set of travel route (see at least figure 1, item 800).

7. As per claims 4 and 6, Petzold et al. disclose that the travel route is calculated based on the travel smoothness (traffic percentage) and assigned a priority for each calculated route (see at least figures 2-10).

8. As per claims 8 and 10, Petzold et al. further disclose the time into consideration of the route calculation in order to assign the travel time for each calculated route (see at least figure 6 and the related text).

9. With respect to claims 3, 5, 7, 8, 11, 13, 15 and 34-397, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

Art Unit: 3661

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 16, 17, 22, 23, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petzold et al. as applied to the claims above, and further in view of Kadono et al. (2005/0071077).

13. With respect to claims 16 and 17, Petzold et al. disclose the claimed invention as discussed above except for the server having storage for storing map information. However, such navigation server for storing map and for calculating optimal routes are well known in the art at the time the invention was made and as shown in at least figures 1 and 3 of the Kadono et al. reference. It would have been obvious to an ordinary skill in the art to incorporate the teaching of Kadono et al. into the system of Petzold et al. in order reduce the storage in onboard navigation device and also reducing the computing needed in the onboard navigation device when the navigation server is used.

14. With respect to claims 22, 23, 28 and 29, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

### **Conclusion**

15. All claims are rejected.

16. The following references are cited as being of general interest: Kirson (5,220,507), Hirota et al. (5,568,390), Bouve (5,648,768), Seibel (2002/0152020), and Caqyford (2002/0177947).

Art Unit: 3661

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

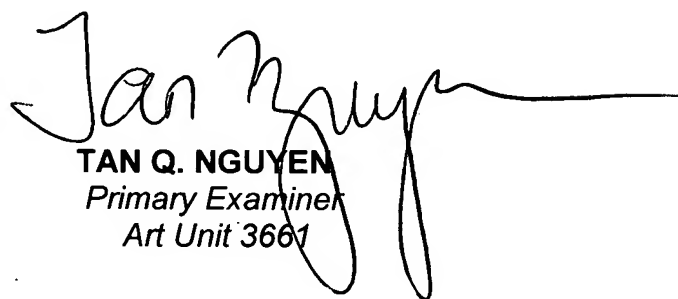
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to the Official Fax Center: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn  
June 10, 2007

  
**TAN Q. NGUYEN**  
Primary Examiner  
Art Unit 3661